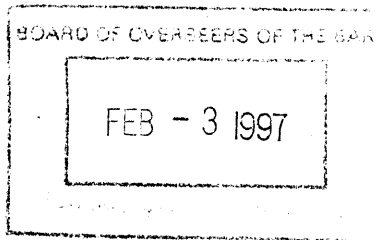


STATE OF MAINE



SUPREME JUDICIAL COURT
Sitting at the Law Court
DOCKET NO. BAR-96-10

BOARD OF OVERSEERS OF THE BAR)
)
Plaintiff)
)
v.)
)
JAMES E. MILLETT, ESQ.)
)
Defendant)

OPINION AND ORDER

This matter was heard by the court at Portland on January 22, 1997 on an information filed by the Board of Overseers of the Bar against attorney James E. Millett. The Board was represented by bar counsel, J. Scott Davis. The defendant was represented by Peter J. DeTroy. In his answer and in his testimony, the defendant admits the basic allegations against him that he improperly borrowed money from a client, improperly handled client funds, and had not been punctual in attending to client business and keeping a client informed. The two clients involved testified about the impact on them of the defendant's misconduct. The defendant and his wife offered explanations for the defendant's conduct, while conceding that the explanations did not excuse his misconduct. The court concludes that James E. Millett has violated M. Bar R. 3.1(a), 3.4(f)(2), 3.6(a), and 3.6(e).

The court finds that the defendant had practiced law competently and successfully from his admission in 1976 until approximately 1993, first in Waterville and later in the Portland area. The court understands that the defendant has not previously been the subject of professional discipline. The court finds that the defendant experienced financial distress.

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MAINE JUDICIAL COURT

depression and alcohol abuse. He joined Alcoholics Anonymous in 1994 and has been sober since then. More recently he has sought medical treatment for depression. His financial situation is precarious and his law practice is almost nonexistent. The defendant acknowledges an inability to maintain a solo practice, says he intends to seek employment in other circumstances and to repay the complainants when possible.

The court considers the defendant's misconduct too serious to result in a reprimand only. At the same time the court is aware that an extended suspension or disbarment would greatly reduce the prospects of his financial recovery and the reimbursement of his former clients. The purpose of this proceeding "is not punishment but protection of the public and the courts from attorneys who by their conduct have demonstrated that they are unable, or likely to be unable, to discharge properly their professional duties." M. Bar R. 2(a). The court is satisfied that purpose can be accomplished in this instance by the shortest period of suspension that will require a petition for reinstatement pursuant to M. Bar R. 7.3(j).

Accordingly, it is ORDERED that James E. Millett be suspended from the practice of law for a period of six months and one day, effective 30 days after the entry of this order. If he petitions for reinstatement thereafter, Millett should be prepared to show the court that:

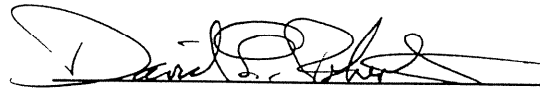
- (1) he will be able to avoid the circumstances that led to his misconduct by measures such as mentor assistance;
- (2) he has remained free from alcohol abuse;
- (3) he has received medical treatment or counselling for his depression; and

- (4) he will take specific measures to insure repayment to the complainants.

It is further ordered that within 30 days of the effective date of his suspension, Millett shall file with the clerk and the Board an affidavit attesting compliance with M. Bar R. 7.3(i)(1).

Date:

Jan. 29, 1997

A handwritten signature in dark ink, appearing to read "David G. Roberts", written over a horizontal line.

David G. Roberts,
Associate Justice